

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.2122 OF 1986

For Approval and Signature

The Hon'ble Mr. Justice S.K. KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
  2. To be referred to the reporters or not ?
  3. Whether their lordships wish to see the fair copy of the judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
  5. Whether it is to be circulated to the Civil Judge?
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M/s.BHAGYESH ROLLER FLOUR MILLS PVT.LTD.  
VERSUS  
THE FOOD CORPORATION OF INDIA, AHMEDABAD.

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Appearance:

MR DM THAKKAR for petitioner

None present for respondent

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Coram: S.K. Keshote,J  
Date of decision:18.10.96

C.A.V. JUDGMENT

Heard learned counsel for the petitioner and perused the record. The petitioner prayed for direction to the respondent to refund it the amount of Rs.7,236.90, with interest.

2. The petitioner has come up with the case that the respondent has compelled the petitioner to pay the

aforesaid amount under the guise of difference of price for the quantity of Wheat covered by the release order, annexure 'A' (Colly). The respondent has not filed any reply to this Special Civil Application and nobody has put appearance also on its behalf. In view of this fact, the averments made by the petitioner in this Special Civil Application stand uncontroverted. Though the relief prayed for in this Special Civil Application could have been granted by this Court as the averments made in it stand uncontroverted, but I consider it to be appropriate that this petition should be disposed of with directions that the petitioner may submit a representation in respect of grievance made by it in this Special Civil Application to the respondent within a period of one month from today and the respondent is directed to decide the same within a period of three months from the date of receipt of same. In case the claim of the petitioner is not acceptable, the respondent shall pass a speaking order giving out therein detailed grounds of non acceptance of the petitioner's grievance and a copy of the same may be sent to the petitioner by registered post A.D. It is further made clear that it is a matter which could have been properly gone into and adjudicated by the Civil Court in a Civil Suit. There are many questions of facts to be gone into and as such, in case the matter is decided against the petitioner by the respondent, the petitioner will be at liberty to file civil suit for recovery of this amount. Rule made absolute in aforesaid terms with no order as to costs.

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(sunil)